

The Honorable John C. Coughenour

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff

v.

KENNETH JOHN RHULE,

Defendant.

NO. CR20-105 JCC

(PROPOSED)  
PROTECTIVE ORDER

This matter having come before the Court on a Stipulated Motion for Entry of a  
Discovery Protective Order, the Court hereby enters the following:

**DISCOVERY PROTECTIVE ORDER**

**A. Definitions**

As used in this Order, the term “Protected Information” means any date of birth,  
Social Security number, driver’s license number, bank account number, credit card  
number, personal identification number, address, telephone number, name and/or location  
of employment, criminal history record, background check, undercover agent identity,  
and/or any other similar information or number implicating a privacy interest of and  
belonging to an individual, business, partnership, or corporation.

As used in this Order, the term “Protected Material” means any document or other record containing or reflecting Protected Information.

**B. Permissible Disclosure of Protected Information and Protected Material**

The United States will make available copies of the Protected Material, including those filed under seal, to defense counsel to comply with the government’s discovery obligations. Possession of the Protected Material is limited to defense counsel, her investigators, paralegals, assistants, law clerks, and experts (hereinafter collectively referred to as “members of the defense team”).

Members of the defense team may review Protected Information and/or Protected Material with the Defendant. The Defendant may visually inspect and review such documents but shall not be allowed to possess Protected Information (such as unredacted copies of Protected Material, notes, copies, or photographs of such Protected Material containing Protected Information). The Defendant may possess documents from which all Protected Information has been redacted. Notwithstanding the terms of this Order, defense counsel may provide electronic copies of any Protected Material to the Education Department in the Federal Detention Center at SeaTac, Washington, along with a completed copy of the FDC’s Electronic Discovery and Legal Material Authorization Form. Defendant will not be permitted to have a copy of this material in his cell, but may review it at the FDC Education Department pursuant to BOP and FDC SeaTac’s policies and procedures.

Members of the defense team may review or discuss the contents of documents containing Protected Material with any prospective witness, as long as they do not share the unredacted documents, or share any Protected Information with any prospective witness.

**C. Consent to Terms of Protective Order**

The attorney of record for the Defendant is required, prior to disseminating any copies of the Protected Material to permitted recipients, such as other members of the defense teams, to provide a copy of this Protective Order to those permitted recipients,

1 and to obtain the written consent by those recipients of the terms and conditions of this  
2 Protective Order. Such written consent shall not, however, be required with respect to  
3 members of the defense teams who are employed by the same office as the attorney of  
4 record; in such case, it shall be sufficient for the attorney of record to provide a copy of  
5 this Protective Order to such other members of the defense teams and to remind them of  
6 their obligations under the Order. The written consent need not be disclosed or produced  
7 to the United States unless requested by the United States Attorney's Office for the  
8 Western District of Washington and ordered by the Court.

9 **D. Parties' Reciprocal Discovery Obligations**

10 Nothing in this order should be construed as imposing any discovery obligations  
11 on the government or the Defendant that are different from those imposed by case law  
12 and Rule 16 of the Federal Rules of Criminal Procedure, and the Local Criminal Rules.

13 **E. Filing of Protected Material**

14 Any Protected Material that is filed with the Court in connection with pre-trial  
15 motions, trial, sentencing, or other matter before this Court, shall be filed under seal and  
16 shall remain sealed until otherwise ordered by this Court. This does not entitle either  
17 party to seal their filings as a matter of course. The parties are required to comply in all  
18 respects to the relevant local and federal rules of criminal procedure pertaining to the  
19 sealing of court documents.

20 **F. Maintenance**

21 Members of the defense team shall keep any Protected Material secured whenever the  
22 Protected Material is not being used in furtherance of their work in the above-captioned  
23 case. All documents containing Protected Material shall be maintained securely solely in  
24 the possession of defense counsel's law firm once all charges are resolved by dismissal or  
25 by final conviction. The provisions of this Order shall not terminate at the conclusion of  
26 this prosecution.  
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1 **G. Modification**

2 The parties agree that this Protective Order may be modified, as necessary, by  
3 filing with the Court a Stipulated Order Modifying the Protective Order, or by other order  
4 of the Court.

5  
6 DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

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9  
10 \_\_\_\_\_  
11 JOHN C. COUGHENOUR  
12 United States District Court Judge

13 Presented by:

14 /s/ Marie Dalton  
15 MARIE M. DALTON  
16 Assistant United States Attorney

17 /s/ Peter Offenbecher  
18 PETER OFFENBECHER  
19 Counsel for Kenneth John Rhule

CERTIFICATE OF SERVICE

I hereby certify that on November 3, 2020, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the attorney of record for the defendant.

/s/ Marwa Hirmendi  
MARWA HIRMENDI  
Legal Assistant  
United States Attorney's Office  
700 Stewart Street, Suite 5220  
Seattle, Washington 98101-1271  
Phone: 206-553-4750  
Fax: 206-553-0755  
E-mail: Marwa.Hirmendi@usdoj.gov